

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SOCIETE DES BAINS DE MER ET DU
CERCLE DES ETRANGERS A MONACO,
Plaintiff,

-against-

PLAYSHARE PLC, GRAND MONACO LTD.,
GAMSHARE (UK) LTD., LUCAN TOH,
MAXWELL WRIGHT, HILSTEAD LTD.,
Defendants.

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PLAYSHARE PLC, LUCAN TOH,
MAX WRIGHT,

Plaintiffs,

-against-

SOCIETE DES BAINS DE MER ET DU
CERCLE DES ETRANGERS A MONACO,
Defendant.

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DEBORAH A. BATTS, United States District Judge.

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07 Civ. 4802 (DAB)

ORDER

08 Civ. 2778 (DAB)

ORDER

Rule 42 of the Federal Rules of Civil Procedure states that,
"If actions before the court involve a common question of law or
fact, the court may...(2) consolidate the actions; or (3) issue any
other orders to avoid unnecessary cost or delay." Fed. R. Civ. P.
42.

A Complaint was filed under docket number 07 Civ. 4802 by
Societe des Bains de Mer et du Cercle des Etrangers a Monaco
("SBM") on June 6, 2007, alleging infringement of its claimed
rights in the trademark "Casino de Monaco" as the result of
Defendants use of various domain names ("Monaco domain names"). An
Amended Complaint was filed on June 7, 2007, and on July 23, 2007

the Defendants moved to dismiss challenging jurisdiction. Prior to the court's disposition of that motion, the Parties entered into a stipulation waiving jurisdictional objections and consenting to personal jurisdiction in this Court. (07 Civ. 4802, Dkt. No. 28, Feb. 13, 2008.) Plaintiffs in that action filed a Second Amended Complaint the following day.

Some Defendants in the action maintained at 07 Civ. 4802 are Plaintiffs in a separate action originally filed in Arizona on June 19, 2007, challenging a decision by the World Intellectual Property Organization (WIPO) addressing Playshare PLC's ownership and use of the Monaco domain names. That action was transferred to this Court and docketed as 08 Civ. 2778. The Court finds that this second action involves a common questions of law and fact making consolidation of the two actions appropriate to promote judicial efficiency and to avoid unnecessary cost and delay.

Counsel for SBM (Plaintiff in 07 Civ. 4802, and Defendant in 08 Civ. 2778) argues that "the Arizona Complaint should be deemed dismissed following consolidation of the New York and Arizona Actions...to enable the Court and the parties to move forward with clarity." (Raskopf Ltr. of Jun. 2, 2008.) However, that same counsel had previously represented by letter to this Court that "[t]he Parties agree that consolidation of the New York and Arizona Actions is appropriate because of the substantial similarity of the facts and legal issues shared by both proceedings." (Raskopf Ltr.

of Nov. 30, 2007 at 3.) Counsel for Playshare PLC submits that the Arizona action must be "preserved as a timely de novo appeal of the WIPO arbitration considering the subject domain names." (Moskin Ltr. May 14, 2008 at 1.)

The Court agrees that consolidation is appropriate. The following actions are HEREBY consolidated for all purposes:

Societe Des Bains De Mer et du Cercle Des Etrangers a Monaco v. Playshare PLC et al. (07 Civ. 4802) (DAB)

Playshare PLC et al. v. Societe Des Bains De Mer et du Cercle Des Etrangers a Monaco (08 Civ. 2778) (DAB)

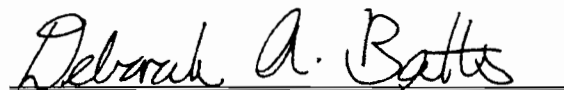
The caption of these consolidated actions shall be "In re Casino de Monaco Trademark Litigation" and the files of these consolidated actions shall be maintained under Docket Number 07 Civ. 4802.

Counsel for Playshare PLC et al., SHALL FILE an AMENDED ANSWER AND COUNTERCLAIMS, incorporating all claims made in the Arizona action, within ten (10) days of the date of this ORDER. Counsel for SBM SHALL Move or Answer with respect to the Counterclaims within twenty (20) days of the filing of the Amended Answer.

SO ORDERED.

Dated: New York, New York

June 24, 2008


Deborah A. Batts
United States District Judge